



Appeal Decision

Site visit made on 20 November 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH December 2024

Appeal Ref: APP/F3545/W/24/3344983

Abbots Farm, Barrow Road, Denham, Suffolk IP29 5EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs T McGregor against the decision of West Suffolk Council.
 - The application Ref is DC/24/0069/FUL.
 - The development is the erection of a summer house.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is whether, by reason of its siting, the appeal scheme is a sustainable form of development.

Reasons

3. The development has already been erected and is described as a summer house with timber walls and a felt shingle roof. The structure has been erected on a field which predominantly comprises an area of woodland. The appeal scheme also includes a modest sized solar panel array erected at ground level. The appeal site located away from an isolated group of residential properties and is situated within open and verdant countryside.
4. The design and siting of the appeal scheme is such that views from public viewpoints are limited by the woodland and hedgerows. Further, the design, height and choice of materials of the structure, together with the siting and height of the array, enable the appeal scheme to be assimilated into the landscape without appearing a particularly visually conspicuous built form of development. For these reasons, the appeal scheme protects the character and appearance of the surrounding open and verdant countryside and, as such it would not conflict the high quality design aspirations of Joint Development Management Policies Document (JDMPD) Policy DM2 and Policy CS3 of the St Edmundsbury Core Strategy (CS).
5. The appellants have identified that the structure is used for private social and recreational activities associated with the domestic use of their dwelling rather than for any form of independent use. Although the claims of the appellants have been noted, there is limited documentary or physical evidence of previous ad hoc buildings which might have been erected on the appeal site during the

previous 20-years. However, even if there were buildings which have been demolished, the appeal scheme is located away from the appellants' dwelling. The appeal site physically and visually relates to the surrounding open and verdant countryside rather than being part of the group of residential properties which includes the appellants' dwelling.

6. JDMPD Policy DM5 identifies that land designated as countryside will be protected from unsustainable development and includes a list of new or extended buildings which will be permitted. Included on the list are essential small scale facilities for outdoor sport or recreation or other uses of land which preserve the openness, appearance and character of the countryside, leisure activities and new tourism facilities.
7. The appellants claim that the appeal scheme is a small scale facility for recreation and it could be interpreted that JDMPD Policy DM5 is applicable because it cannot consider all circumstances. However, the council does not consider this part of JDMPD Policy DM5 to be of direct relevance to the nature of the structure because it is intended to address what would be considered more typical sports and recreation facilities to serve the wider public. Whether or not the appeal scheme is a small scale facility for recreation of the type envisaged by JDMPD Policy DM5, the appellants have not clearly established through their evidence that the erection of the structure in this location is essential. Accordingly, there is not a justified need for the domestic social and recreational activities associated with the structure to be located within the open countryside.
8. Benefits have been claimed by the appellants associated with providing an improved facility by replacing ad hoc structures which were unsightly and the generation of renewable energy. However, even when taken together with the high design quality of the structure and it not being a particularly visually conspicuous built form of development, these matters are outweighed by the absence of cogent justification for the appeal scheme needing to be sited in the open countryside. Accordingly, because of its siting it is concluded that the appeal scheme is not a sustainable form development within the open countryside and, as such, it conflicts with JDMDP Policy DM5.

Other Matters

9. The comments of the occupiers of near-by properties have been noted, including loss of outlook and the access to the structure but they do not alter the main issue which has been identified. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR